



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/817,214  | 04/02/2004  | Liangchi Hsu         | 871.0110.U1(US)     | 2420             |
| 29683   | 7590        | 05/12/2006           | EXAMINER            |                  |
| HARRINGTON & SMITH, LLP<br>4 RESEARCH DRIVE<br>SHELTON, CT 06484-6212 |             |                      | NGUYEN, BRIAN D     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2616                |                  |

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,214

Applicant(s)

HSU ET AL.

Examiner

Brian D. Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-36 and 38-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 11-13, 19-26 and 32-36 is/are allowed.  
6) ☒ Claim(s) 10, 15-18 and 27-31 is/are rejected.  
7) ☒ Claim(s) 5-9, 14 and 38-40 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Note: The terms: "adapted to" is not positively recited limitation. Therefore, the limitations followed this term are not considered the claimed limitations. If the applicant would like to claim the limitations followed this term; it is suggested that the applicant delete "adapted to" from the claims.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities:

Claim 5, line 10, "a base station" seems to refer back to "a base station" in line 5. If this is true, it is suggested to change "a base station" to --the base station--.

Claim 38, line 5, it is suggested to change "an apparatus" to --the apparatus--.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-18 and 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15, 18, and 27 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to

Art Unit: 2616

present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Duncan Ho et al (2003/0128683).

Regarding claim 10, Duncan discloses method comprising: initiating a transition by a base station from a Control Hold Mode of a reserve link packet data channel for communication between the base station and a mobile station to an active state of the reverse link packet data channel by sending a transition mode request (see paragraph 0013 where the transition of a remote station from the control hold mode to active mode is initiated by the base station); sending an individual grant via a forward grant channel to the mobile station to initiate the mode transition (see paragraph 0013 where a signaling message is sent over a forward common assignment channel to the remote station. See also paragraph 0047 where Duncan discloses the signaling message triggers a transition of the remote station from the hold mode to the active mode); and transitioning the mobile station to the active state of the reverse link packet data channel, wherein the mobile station transmits on the reverse link packet data channel in the

Art Unit: 2616

active state (see paragraph 0048 where the remote station transitions into active mode from the hold mode).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindskog et al (6,622,251) in view of Lorenz (6,700,877).

Regarding claim 15, Lindskog discloses a medium access control identification code (MAC\_ID) embodied in a network device and dividing the mobile stations into two groups based on MAC\_ID (see col. 6, lines 20-27; col. 9, lines 13-18; col. 10, line 52-col. 11, line 28).

Lindskog does not specifically disclose an apparatus assigns MAC\_ID to the mobile station.

However, Lorenz discloses assigning MAC\_ID to the mobile station in a descending order and ascending orders (see, for example, col. 3, lines 64-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to assign MAC\_ID in a descending order and descending orders as taught by Lorenz in the system of Lindskog in order to use the information related to a MAC\_ID to improve system management.

***Allowable Subject Matter***

9. Claims 11-13, 19-26, and 32-36 are allowed.

Art Unit: 2616

10. Claims 5-9, 14, 16-18, 27-31, 38-40 would be allowable if rewritten or amended to overcome the objection(s) and/or rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Response to Arguments***

11. Applicant's arguments filed 1/23/06 with respect to claim 10 have been fully considered but they are not persuasive.

The applicant argued that claim 10 claims "the mobile station transmit on *the reverse link packet data channel in the active state*". This limitation is clearly disclosed in paragraphs 0013, 0047, and 0048. The applicant also argued that Ho appears to be directed to control hold mode for a forward link and not for a reverse link packet data channel. The examiner disagrees because, for example, paragraphs 0037-0040 clearly discloses the reverse channels are in control hold mode. The applicant also argued about the words "adapted to" and 112 rejection. The use of "adapted to" is explained in MPEP 2111.04 and an apparatus claim must have a structure is required by 35 USC 112, second paragraph. For claim 15, the limitations follow "adapted to" are not considered claimed limitations. Claim 15 differs from, for example, claim 38 because claim 15 merely assigning MAC\_IDs without claiming the plurality of mobile stations communicate with the apparatus.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 2616

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/10/06

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**